

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN C. DUVALL,)
)
 Petitioner,)
)
 v.) No. 4:07CV01232 ERW
)
 LARRY CRAWFORD,)
)
 Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on the several motions filed by petitioner.

Petitioner has filed a “pro se motion for fair notice and opportunity.” In the motion, petitioner moves the Court to allow him to file a reply to respondent’s answer. The Court previously entered an order allowing petitioner to file a reply no later than February 28, 2008. As a result, the motion is moot.

Petitioner has also filed a “motion for judicial notice re: Missouri’s firmly established, regularly followed, and readily ascertainable rule that claims based upon newly discovered evidence are not cognizable in post-conviction proceedings.” The Court finds the motion to be premature. Petitioner can make this argument in his reply to respondent’s answer. As a result, it will be denied without prejudice.

Petitioner has also filed a “motion to invoke judicial estoppel re: Brady claims.” The motion lacks merit. As a result, it will be denied.

Finally, petitioner has moved for an additional 90 days to reply to respondent's answer. The motion will be granted. Petitioner's reply shall be due no later than May 29, 2008.

Accordingly,

IT IS HEREBY ORDERED that petitioner's "pro se motion for fair notice and opportunity" [#21] is **DENIED** as moot.

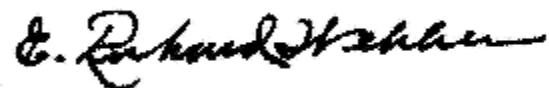
IT IS FURTHER ORDERED that petitioner's "motion for judicial notice re: Missouri's firmly established, regularly followed, and readily ascertainable rule that claims based upon newly discovered evidence are not cognizable in post-conviction proceedings" [#22] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that petitioner's "motion to invoke judicial estoppel re: Brady claims" [#23] is **DENIED**.

IT IS FURTHER ORDERED that petitioner's motion for extension of time [#24] is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's reply to respondent's answer shall be filed no later than **May 29, 2008**.

So Ordered this 1st Day of February, 2008.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE